

JOSEPH J. STRAUS
Direct Dial: (206) 521-6416
E-mail: joe.straus@bullivant.com

August 4, 2003

FREEDOM OF INFORMATION ACT REQUEST

Via Facsimile and U.S. Mail

Bob Jones
Land Attorney
Bonneville Power Administration
Mail Stop LLC-7
PO Box 3621
Portland, OR 97208

RECEIVED BY BPA FOIA OFFICE THIS DATE: 8-5-03
DUE DATE: 9/3/03
LOG # 03-031

Re: Your Tract No. : C-RE-438
Your Case No. : 690080
Your Contract No. : 09510
Our Clients : James M. and Jacquelyn A. Benson
Our File No. : 22326/1
BPA Easement/Benson Residence in Puyallup
10514 - 123rd St. Ct. E, Puyallup, WA 98373

Dear Mr. Jones:

Jill Gaston of the BPA Realty Office in Olympia directed me to you to make a Freedom of Information Act Request.

Pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552, and the regulations thereunder, copies of the following information relating to the Bonneville Power Administration Easement on the Benson Property, 10514 - 123rd St. Ct. E., Puyallup, WA 98373, Pierce County Parcel No. 372500 015 2, which we believe to be BPA Tract No. C-RE-438, are requested:

Any and all documentation related to the above property contained in the files of the Bonneville Power Administration, including,

1. All documentation related to Contract No. 09510 between the BPA and James D. Gallagher on or around July 1969 pertaining to Tract No. C-RE-438;

2300 Westlake Office Tower, 1601 Fifth Avenue, Seattle, WA 98101-1618 • 206.292.8930 Fax 206.386.5130

www.bullivant.com | Seattle Vancouver Portland Sacramento San Francisco Irvine Las Vegas

2. All documentation relating to the above property related to Case No. 690080 between BPA and James M. and Jacquelyn A. Benson, including but not limited to a Notice of Limited Consent dated 2001;
3. All documentation relating to any inspections of the property by any right-of-way inspectors, including but not limited to, Clint Bostwick;
4. Any and all file notes made in the file for Contract No. 09510, Cause No. 690080, Tract No. C-RE-438 pertaining to (a) the encroachment of the residence in to the BPA easement; (b) any conversations between BPA personnel and the Bensons; (c) any and all communications between BPA personnel and the Gallaghers;
5. This request is to encompass all documentation that would evidence any conversations or communications between the BPA and the prior owners of the property, the Gallaghers, relating to the encroachment of the residence into the BPA easement and all conditions upon which the BPA allowed an encroachment to remain.
6. This request is to encompass all documentation that would evidence any conversations or communications between the BPA and the current owners of the property, the Bensons, relating to the encroachment of the residence into the BPA easement and all conditions upon which the BPA allowed an encroachment to remain.
7. This request includes all communications, including interoffice communications between BPA offices or personnel regarding the encroachment, the extent of the encroachments and conversations with the owners of the premises, either the Gallaghers or the Bensons.

Notification of any determination on this request is to be sent to my attention at the address stated above.

We agree to pay the fees for search and duplication in accordance with 5 U.S.C. § 552, n. 84. Rather than delay production in this matter, we agree to pay for all contents of the BPA file as requested.

We respectfully request priority be given this request, as a trial concerning the above property is scheduled to begin September 29, 2003, in Pierce County Superior Court in Tacoma, Washington, in which our clients, James and Jacquelyn Benson seek rescission of



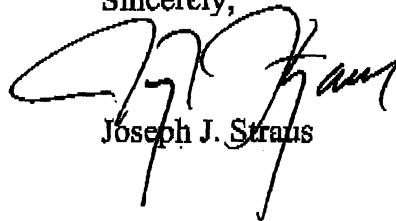
Bob Jones
August 4, 2003
Page 3

the real estate agreement between them and the prior owners of the residence, James and Anita Gallagher.

More urgent deadlines that are applicable to this request are Friday, August 29, 2003, at which time there must be disclosure of all documents to be used at trial and accordingly, the Bensons seek review and production of materials from the BPA so this deadline can be met. Additionally, Monday, August 18, 2003, is established as the date for the discovery cutoff. Your immediate attention to this matter is greatly appreciated.

I would appreciate a call upon receipt of this request so I may discuss with you when we can expect response from BPA. In my conversations with Ms. Gaston and Gail Wacker of the BPA-Snohomish Office, I understand that there are documents pertinent to our request in the BPA files, including notations of site inspections and communications between Clint Bostwick, a right-of-way inspector, and either the Gallaghers or the Bensons.

Sincerely,



Joseph J. Straus

JJS:pb

cc: James Michael and Jackie Benson
3357118.1



www.bullivant.com

Seattle Vancouver Portland Sacramento San Francisco Irvine Las Vegas